

2 8 74

RECEIVED
520089419X00
TECHNOLOGY CENTER 2800
-2 2002

#5/Election
10/8/02
JS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): K. NAKAHARA, et al
Serial No.: 09/739,692
Filed: December 20, 2000
For: SEMICONDUCTOR LASER MODULE
Group: 2874
Examiner:

RESPONSE

Commissioner for Patents
Washington, D.C. 20231

September 30, 2002

Sir:

The following remarks are respectfully submitted in connection with the above-identified application in response to the Office Action dated August 30, 2002.

The requirement for election of one of the following allegedly patentably distinct species of the claimed invention identified as (a) the embodiment illustrated in Figs. 1, 2; (b) the embodiment illustrated in Fig. 5; (c) the embodiment illustrated in Figs. 6, 7; (d) the embodiment illustrated in Fig. 8; and (e) the embodiment illustrated in Fig. 9; such requirement is traversed, and reconsideration and withdrawal of the requirement are respectfully requested, in that applicants submit that generic claims which are allowable are present in this application.

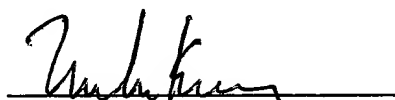
Applicants submit that although the Examiner contends that there is no generic claim, independent and dependent claims are present in this application which are readable on more than one of the above-indicated species and therefore should be considered generic or sub-generic claims. As recognized by the Examiner, upon allowance of a generic claim, applicants are entitled to consideration of additional species.

In order to provide a complete response to the election requirement, applicants provisionally elect, with traverse, species (a), i.e. the embodiment illustrated in Figs. 1, 2, with claims 1-13 and 16-24 being readable thereon. In this regard, it is noted that claims 1, 4, 8 and 17 are independent claims with claim 4 having claims 5-7 and 12-16 being dependent thereon, and of such dependent claims, claims 5-7, 12, 13 and 16 are considered to be readable on the species (a). As such, other dependent claims are readable on non-elected species and applicants submit that claim 4 and some of the dependent claims are necessarily generic or sub-generic claims, contrary to the position set forth by the Examiner.

In view of the above remarks, applicants request withdrawal of the election requirement and favorable action with respect to all claims present in this application.

To the extent necessary, applicant's petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (520.39419X00) and please credit any excess fees to such deposit account.

Respectfully submitted,



Melvin Kraus

Registration No. 22,466

ANTONELLI, TERRY, STOUT & KRAUS, LLP

MK/cee
(703) 312-6600